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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JOSEPH MARTIN,

Plaintiff,

v.

FIELD ASSET SERVICES, INC., and
FIELD ASSET SERVICES, LLC, XOME
FIELD SERVICES LLC; CYPRESS
SERVICES, LLC; AND DOES 1-10

Defendants.

Case No. 2:23-cv-1119 WBS AC

**STIPULATION TO CONTINUE BRIEFING AND
HEARING SCHEDULE FOR DEFENDANTS'
MOTION TO DISMISS**

Complaint Filed: January 7, 2013

Trial Date: July 5, 2017

Date: August 9, 2023

Time: 10:00 a.m.

Judge: Hon. W. Shubb

1 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff JOSEPH MARTIN
2 and Defendants FIELD ASSET SERVICES, INC., FIELD ASSET SERVICES, LLC, XOME FIELD
3 SERVICES LLC, and CYPRESS SERVICES, LLC (collectively “Defendants”) (collectively, “Parties”),
4 through their respective counsel of record, as follows:

5 1. This Action was removed by Defendants to this Court from California state court on June
6 12, 2023;

7 2. On June 20, 2023, Defendants filed a Motion to Dismiss. The opposition to that motion
8 is due on July 5, 2023, and the hearing is scheduled for August 9, 2023;

9 3. This Action is related to *Bowerman v. Field Asset Services, Inc. et al.*, U.S. District Court
10 for the Northern District of California, Case No. 13-00057 WHO. Plaintiff in this Action is a former
11 class member in the *Bowerman* case who, following decertification, filed his own lawsuit in California
12 state court.

13 4. Plaintiff intends to move to remand and/or transfer to the U.S. District Court for the
14 Northern District of California. Accordingly, the Parties to this Action agree to continue the briefing
15 and hearing schedule on Defendants’ Motion to Dismiss this Action, subject to the Court’s approval, to
16 permit time for Plaintiff’s motion(s).

17 5. Accordingly, IT IS NOW HEREBY STIPULATED AND AGREED, subject to the
18 approval of the Court, to the following schedule: Plaintiff’s Opposition will be due on August 15, 2023,
19 Defendants’ Reply will be due on August 22, 2023, and the hearing will be rescheduled to September 5,
20 2023 at 1:30 p.m. This date has been confirmed with the Court’s Courtroom Deputy pursuant to the
21 Court’s standard information.

22 IT SO STIPULATED.

23 Date: July 5, 2023

24 Respectfully submitted,

25 MILLER SHAH LLP

26 /s/ Chiharu Sekino*

27 Chiharu Sekino (SBN 306589)

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Attorneys for Plaintiff

1 Date: July 5, 2023

LITTLER MENDELSON, P.C.

2 /s/ Robert Hulteng

3 Robert Hulteng

4 *Attorneys for Defendants*

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6 *I, Chiharu Sekino, have obtained the consent of Robert Hulteng to this filing, pursuant to the
7 local rules.

ORDER

The schedule for Defendants' Motion to Dismiss is modified as follows: Plaintiff's Opposition will be due on August 15, 2023, Defendants' Reply will be due on August 22, 2023, and the hearing will be rescheduled to **September 5, 2023 at 1:30 p.m.**

IT IS SO ORDERED.

Dated: July 5, 2023



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE